IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WA.No. 2225 of 2007

(AGAINST THE JUDGEMENT IN WPC.17185/2006 Dated 02/08/2006)

APPELLANTS/WRIT PETITIONERS:
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1. SEETHA.C., D/O. DR.V.CHANDRAN, MITHILA,
   NANMUNDA (PO), KOZHIKODE.

2. SAFNA N., D/O.N.KHADER, NAYADATH HOUSE,
   KOTTAMPARAMBA (PO).

3. SRUTHI RAJ, D/O.SUDHARMA RAJU,
   RAJA NIVAS, SAKTHIKULANGARA, KOLLAM-3.

4. APARNA M., D/O.M.JAYARAJAN,
   ANJALI, CHAKKYATH MUKKI, PO TEMPLE GATE,
   THALASSERY.

5. MARY LIBA BARRID, D/O C.J. BARRID,
   CHAKKALAKKAL HOUSE, 14/543, WEST CHULLICKAL,
   COCHIN.

6. JAYALAKSHMY T.R., D/O.T.R. RAMACHANDRAN,
   SRK VILAS, PULIYANNOOR (PO), KOTTAYAM.

7. P.ARCHANA, D/O P. SATHIAN,
   LAKSHMI NIVAS, ARIYALLUR (PO),
   PARAPPANANGADI, MALAPPURAM.

8. PRIYA T.P., D/O. RADHAMANI T.P.,
   LOHITHAM, NADUVIL (PO), KANNUR.

9. DEEPA.K., D/O.K. KUNHIRAMAN NAMBIAR,
   DEEPAM, KODAKKAD (PO), KASARAGOD DT.

10. DIVYA.A., D/O A. GOPALAN, CHITHIRA,
    CHUZHALI (PO), KANNUR.

11. DIVYA C.BALAN, D/O.C.K.GEETHA,
SREELAYA, 7TH MILE, KUTTIKKOL (PO), TALIPARAMBA.

12. SOUMYA E.A., D/O.MADHAVAN NAMBOODIRI E.A
E.A.NIVAS, NR.RAJARAJESWARA TEMPLE, KANNUR.

13. FAIZAL AHAMMED.A., S/O ABDUL HAMEED A,
VATTAVILAVEEDU, KALLAMBALAM (PO),
THIRUVANANTHAPURAM.

14. ANJALI DEVI, NANDANAM, MANKAVU (PO), KOZHIKODE.

15. SREEBHA.A., SREEPURAM, VENGAD (PO),
ANJARAKANDY (VIA), KANNUR.

16. SHAFNA.V., SHAFNA HOUSE, CELLANNUR (PO), KOZHIKODE.

17. NAVEEN C.R., S/O.P.CHANDAR,
RECHANA, PUTHUPALLIKUNNAM, CHARUMOOD (PO),
PIN 690 505.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS/ RESPONDENTS:
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1. THE STATE OF KERALA,
REP.BY THE CHIEF SECRETARY, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SECRETARY, HIGHER EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE SECRETARY TO GOVT. HEALTH AND
FAMILY WELFARE DEPT., GOVT. SECRETARIAT, TRIVANDRUM.

4. THE PRINCIPAL, PARASSINIKKADAVU
AYURVEDA MEDICAL COLLEGE, PARASSINIKADAVE,
KANNUR- 670 563.

BY SR. GOVERNMENT PLEADER SMT. R. MEERA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 2225 OF 2007

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Dated this the 13th September, 2007

J U D G M E N T

H.L. Dattu, C.J.:

This appeal is directed against the orders passed by the learned single Judge in W.P.(C) No. 17185 of 2006.

2. Admittedly, the petitioners/appellants are prosecuting their studies in a Self Financing College. They were admitted to the B.A.M.S. course during the academic year 2003-04. They were asked to pay the fee as fixed by Justice K.T. Thomas Commission for their 2nd and 3rd year course. Aggrieved by the action of the Management of the 4th respondent's College, the petitioners were before this court in W.P.(C) 17185 of 2006.

3. Learned single Judge, following the decision of a Division Bench of this Court, by his impugned order, has rejected the Writ Petition. Aggrieved by the said order, the petitioners/appellants are before us in this appeal.

4. After arguing the matter for quite sometime, learned counsel, Shri Mohammed Nias C.P., appearing for the petitioners/appellants would submit that, for the present, he may be permitted to approach the Fee Regulatory Committee, constituted by the State Government for fixation of the fee structure for B.A.M.S. course in the 4th respondent's College. The learned counsel would further submit that he may be permitted to withdraw the Writ Appeal also for the present.

5. The request of the learned counsel, in our opinion, appears to be

reasonable. If it is granted, in our opinion, no injustice would be caused to any one of the parties to the lis. Therefore, the following:

O R D E R

i) The Writ Appeal is disposed of as withdrawn, for the present.

ii) The petitioners/appellants are permitted, if they so desire, to approach the Fee Regulatory Committee constituted by the State Government for fixation fee structure in the Self Financing Colleges. If and when the petitioners/appellants approach the said Fee Regulatory Committee, it will look into the grievances of the petitioners/appellants and will pass appropriate orders in accordance with law.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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